

**AMENDMENTS TO THE CLAIMS**

The listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims**

1. (Cancelled)
2. (Currently Amended) ~~A~~ The data communication apparatus, ~~according to claim 1~~  
which transmits image data to the other end, comprising:  
a first communication portion for a first form of image data communication;  
a second communication portion for a second form of image data communication; and  
a transmission controller for selecting one of the first form and the second form in  
accordance with information indicating a color reproduction range of image output in the other  
end, wherein the image data are transmitted to the other end by the first or the second  
communication portion corresponding to the selected form, wherein the transmission controller  
decides the inclusion relation between the color range of the image data and the color  
reproduction range and selects one of the first and the second communication portions.
3. The data communication apparatus according to claim 2, wherein the first form is  
facsimile communication, the second form is E-mail communication, and the transmission  
controller selects the facsimile communication if the color range is within the color reproduction  
range, and otherwise selects the E-mail communication.

4. The data communication apparatus according to claim 2, wherein the transmission controller selects the facsimile communication without deciding the inclusion relation if the image data are monochromatic data.

5. (Cancelled)

6. (Cancelled)

7. (Cancelled)

8. (Cancelled)

9. (Cancelled)

10. (Currently Amended) A ~~The data communication method according to claim 9~~ for transmitting image data from one end to the other end, the method comprising:

a transmission control step of selecting one of a first form and a second form, which is different from the first form, in accordance with information indicating a color reproduction range of image output in the other end; and

a communication step of transmitting Image data to the other end in the first or second form selected by the transmission control step, wherein the transmission control step includes the step of deciding the inclusion relation between the color range of the image data and the color reproduction range and selecting one of the first and the second communication steps.

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11. The data communication method according to claim 10, wherein the first form is facsimile communication, the second form is E-mail communication, and the transmission control step includes the step of selecting the facsimile communication if the color range is within the color reproduction range, and otherwise selecting the E-mail communication.

12. (Cancelled)

13. (Cancelled)

14. (Cancelled)